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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,527	09/12/2003	Tetsuro Motoyama	241499US2CONT	5289

22850 7590 12/30/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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# Fax Cover Sheet

**Date:** 20 Dec 2004

<b>To:</b> BERGER, K. (Reg. No. 51,461)	<b>From:</b> Prieto Beatriz
<b>Application/Control Number:</b> 10/660,527	<b>Art Unit:</b> 2142
<b>Fax No.:</b> 703-413-2220	<b>Phone No.:</b> 571 272-3902
<b>Voice No.:</b> 703-412-3520	<b>Return Fax No.:</b> (703) 872-9306
<b>Re:</b> 10/660,527	<b>CC:</b>
<input checked="" type="checkbox"/> <b>Urgent</b> <input checked="" type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>For Comment</b> <input type="checkbox"/> <b>For Reply</b> <input checked="" type="checkbox"/> <b>Per Your Request</b>	

**Comments:**

As per our conversation attached are the PTO-413 of our interview this morning.

Ex. Prieto

**Number of pages** 8 **including this page**

**STATEMENT OF CONFIDENTIALITY**

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<b>Interview Summary</b>	<b>Application N .</b> 10/660,527	<b>Applicant(s)</b> MOTOYAMA ET AL.	
	<b>Examiner</b> Prieto Beatriz	<b>Art Unit</b> 2142	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Prieto, Beatriz (Examiner). (3) \_\_\_\_\_.
- (2) Berger, Kurt (Reg. No. 51,461). (4) \_\_\_\_\_.

Date of Interview: 21 December 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: (US 5,897,236 & 5,583,615) both of Hashimoto et. al.).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Beatriz Prieto 12/21/04  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant contacted examiner requesting a personal interview, faxing required agenda (attached). Issues raised on faxed agenda were addressed in detail by examiner (see attached). Applicant has filed an amendment with the incorporation of the clause "over the network" which does overcome the Hashimoto references, as noted by Examiner. Further issues discussed include (i) rejection under 101 for "non-statutory subject matter", regarding this rejection the appropriated structure has been identified by examiner, therefore this rejection will be withdrawn in subsequent office communication; (ii) double patenting rejection, regarding this rejection, examiner noted that issues and/or arguments should be made in written for proper consideration by examiner. Examiner indicated that due to time constraint no further personal interviews will be granted for instant application unless initiated by examiner for the purpose of accelerating prosecution.

*Beatrix Paul*  
12/21/04

Interview agenda/Proposed amendment

A. Applicant faxed proposed agenda for interview to discuss the following issues:

1. Proposed amendment to overcome the prior art of record now claims:

- (i) that a first computer is remote (i.e. separated by a network) from the network device and
- (ii) obtains identification information.

Applicant notes that in the Barrett reference NED (1001) is directly attached to printer (102). The Hashimoto references are the same and show a non-remote arrangement.

B. Proposed amendment would not overcome the prior art of record.

1. Interpretation of the term "remote", has been obtained in accordance with applicant's specification which describes that, the remote monitoring device monitors the business office machines or business devices (24, 28 and 32) through the Internet via the network (16) or by a direct telephone, ISDN, wireless, or cable connection (see specs. P. 9, lines 16-19).

2. The applied references, specifically, the Hashimoto et. al. (US 5,897,236 referred to as the '236 patent) teaches proposed limitation as claimed, for example, Hashimoto'236 teaches where the first computer is remote from the network device (col 6/lines 7-17, 28-39) and where the device information includes information that identifies the device (called "device identification") (see '236, col 10/lines 20-31).

C. Applicant indicates it is unclear from the rejection how the references show "processing" of stored status information and the generation of a period usage report.

1. In response, the claim as amended reads, "processing" stored information called "device information" to generate data called "period usage report" associated with the network device.

Hashimoto '236 teaches a sending a remote report (Figs. 15) including electing specific kind of data among a plurality of data (col 7/lines 40-57), also including a process to detect changed or lost data (col 10/lines 20-42), this reads on "processing", further teachings updating values stored from the day before (col 9/lines 26-47), this read on "processing".



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/660,527		MOTOYAMA	241499 US2 CONT

*copy*

EXAMINER	
PRIETO	
ART UNIT	PAPER NUMBER
2142	

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) B. Prieto (3) \_\_\_\_\_  
(2) K. Berger #57461 (4) \_\_\_\_\_

Date of Interview 12/21/04

Type: ☐ Telephonic ☐ Televideo Conference ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1 (see attachment)

Identification of prior art discussed: Hashimoto et al (US 5,817,236) / Hashimoto et al (US 5,583,615)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: \_\_\_\_\_

Applicant <sup>(has)</sup> will amend claim, by incorporating "over the network" this  
overcomes the Hashimoto <sup>(both)</sup> references. Rejection 101 statutory "non-statutory subject  
matter" will be withdrawn. Rejection 101 double should be argued/tacked  
in written. No further Personal interviews will be granted unless initiate by examiner

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has are ready been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

*Beth Prieto*  
12/21/04

## Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

### § 1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

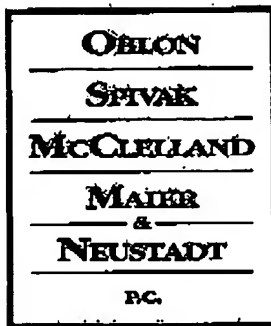
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

### Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.





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<b>TO</b>	Examiner B. Prieto	November 5, 2004
	NAME U.S. PTO	DATE 571-273-3902
	COMPANY/FIRM	FAX #
	NUMBER OF PAGES INCLUDING COVER: 2	CONFIRM FAX: <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>FROM</b>	Kurt M. Berger, Ph.D.	241499US2CONT
	NAME 703-412-3520	OUR REFERENCE 10/660,527
	DIRECT PHONE #	YOUR REFERENCE

**MESSAGE** Re: Proposed agenda for interview

Discussion of attached proposed claim with respect to the cited Hashimoto references (same reference) and the Barrett reference. Specifically, the first computer and the network device recited in the claims are remote from each other, i.e., separated by a network. Barrett shows that NED 1001 is directly attached to printer 102. Likewise, the Hashimoto references show a similar non-remote arrangement. Also, it is unclear from the rejection how the references show "processing" of stored status information and the generation of a period usage report, and recited in amended Claim 1.

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Application No. 10/660,527

Preliminary Amended Claim 1 for discussion with Examiner

1. (Currently Amended) A method of monitoring at least one network device communicatively coupled to a network, comprising:

~~accessing the at least one network device by a first computer to obtain device status~~

obtaining, by a first computer, remote from the at least one network device, device information of the at least one network device, the device information including (1) status information obtained from sensors of the at least one network device and (2) a device identification;

storing the obtained device status information;

periodically processing the stored status device information to generate a period usage report for the at least one network device;

transmitting the usage report from the first computer to a second computer; and

receiving the usage report by the second computer.